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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,487	11/03/2003	George N. Eross	19111.0115	3244

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Edward A. Pennington, Esq.
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, N.W.
Washington, DC 20007-5116

EXAMINER

NGUYEN BA, PAUL H

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,487	Applicant(s) EROSS, GEORGE N.	
	Examiner Paul Nguyen-Ba	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to original application filed on 11/03/2005.
2. Claims 1-18 are currently pending. Claims 1 and 10 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Regarding claim 1, the language of the claim raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. §101. Claim 1 needs to be directed towards a "computer-implemented" method.

Claims 2-9, are dependent upon claim 1, and do not add any limitations that would render these claims statutory under 35 U.S.C. § 101. Therefore, these claims are likewise rejected.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Raggett, "Clean up your Web Pages with HTML Tidy", 4th version (August 2000), pgs. 1-21 ("HTML Tidy"), in view of Douglass et al. ("Douglass"), U.S. Patent Application Publication No. 2004/0260676.**

Regarding independent claim 1:

HTML Tidy teaches a method of converting a structured document (XML or HTML) into a well-formed HTML document – i.e., XHTML (see pg. 2 – Introduction to Tidy and pg. 7, 2nd paragraph from bottom).

- *traversing a structured document;*
determining a set of first level elements contained within the structured document;
generating a first level XHTML content fragment corresponding to each element in the set of first level elements; and

HTML Tidy teaches traversing a structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work). HTML TIDY then builds a clean parse tree and generates output for the code data (see pg. 4 – Layout style; pg. 11, last paragraph).

- *wherein the first level XHTML fragments are generated independent of the application that created the structured document.*

HTML Tidy is an independent software application that generates XHTML independent of the application that created the original structured document (see pg. 2, paragraph 1).

HTML Tidy implicitly, but does not explicitly teach:

- *storing each of the first level XHTML fragments;*

However, Douglass teaches techniques for detecting fragments in electronic documents and storing the fragments in a memory cache (see paragraphs [0119-0122]).

Since both references are from the same field of endeavor, the motivational purpose of an efficient means of accessing and requesting data information while avoiding redundant storage of large fragments as disclosed by Douglass would have been recognized in the pertinent art of HTML Tidy. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the

teaching of HTML Tidy with the teachings of Douglass to include storing each of the first level XHTML fragments.

Regarding independent claim 10, please refer to the rationale relied upon to reject independent claim 1, which contains substantially similar subject matter as independent claim 10.

Regarding dependent claims 2 and 11, HTML Tidy teaches parsing each element in the set of first level elements (see pg. 4 – Layout style; pg. 11, last paragraph; see pg. 19: i.e., HTML and XML Parsers).

Regarding dependent claims 3 and 12, HTML Tidy teaches determining whether each element in the set of first level elements contains a set of second level elements (see pg. 19: i.e., HTML and XML Parsers; pg. 2 – Examples of TIDY at work; pg. 4 – Layout style; pg. 11, last paragraph. In traversing a hierarchical structured document, a parser inherently determines whether there exists another level of elements beyond the first level).

Regarding dependent claims 4 and 13, HTML Tidy teaches *generating second level XHTML content fragment corresponding to each element in the set of second level elements*. HTML Tidy teaches traversing a structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured

document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work). HTML TIDY then builds a clean parse tree and generates output for the code data (see pg. 4 – Layout style; pg. 11, last paragraph).

Regarding dependent claims 5 and 14, HTML Tidy teaches a method of parsing and converting a structured document to XHTML, but does not explicitly teach:
storing each of the second level XHTML fragments.

However, Douglass teaches techniques for detecting fragments in electronic documents and storing the fragments in a memory cache (see paragraphs [0119-0122]).

Since both references are from the same field of endeavor, the motivational purpose of an efficient means of accessing and requesting data information while avoiding redundant storage of large fragments as disclosed by Douglass would have been recognized in the pertinent art of HTML Tidy. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of HTML Tidy with the teachings of Douglass to include storing each of the second level XHTML fragments.

Regarding dependent claims 6, 7, 15, and 16, HTML Tidy teaches determining and inserting the appropriate DOCTYPE element as per the W3C recommendations (see pg. 4, 3rd paragraph). Furthermore, although not explicitly taught by HTML tidy, it was commonly known to those of ordinary skill in the art and would have been obvious

at the time the invention was made to a person having ordinary skill in the art that a standalone document declaration can be included in a structured document (i.e., XML) for the motivational purpose of indicating whether the document contains external markup declarations that affect the content of the document.

Regarding dependent claims 8 and 17, HTML Tidy teaches opening the structured document (see pg. 9 – How to run Tidy, *et seq.*).

7. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Raggett, “Clean up your Web Pages with HTML Tidy”, 4th version (August 2000), pgs. 1-21 (“HTML Tidy”), in view of Dougkis et al. (“Dougkis”), U.S. Patent Application Publication No. 2004/0260676, in further view of Fong et al. (“Fong”), U.S. Patent Application Publication No. 2005/0166141.

Regarding dependent claims 9 and 18, HTML Tidy, in view of Dougkis, teach traversing a structured document (see pg. 19: i.e., HTML and XML Parsers) and mapping the elements contained in the original structured document with the XHTML content fragment in order to perfect the code (see pg. 2 – Examples of TIDY at work), but does not explicitly teach generating a list of cross references including each element having a cross reference identification.

However, Fong teaches maintaining a history list of elements that have been referenced previously (see paragraphs [0018], [00141-143]). Since the references are from the same field of endeavor, the motivational purpose of providing a more efficient and faster user interface for mapping structured information to different structured information by reference as disclosed by Fong would have been recognized in the pertinent art of HTML Tidy, in view of Dougliis. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of HTML Tidy, in view of Dougliis with the teachings of Fong to include generating a list of cross references including each element having a cross reference identification.

Conclusion

8. The prior art made of record on form PT0-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

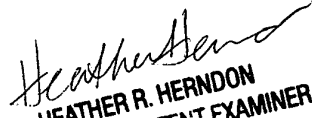
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100